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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 EDNA F. LEWIS,

11 Plaintiff,

12 vs.

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17 MICHAEL J. ASTRUE, Commissioner of  
18 Social Security,

19 Defendant.

CASE NO. 09cv2110-MMA(WMc)

**ORDER ACCEPTING REPORT AND  
ADOPTING FINDINGS AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE;**

[Doc. No. 27]

**GRANTING IN PART PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT;**

[Doc. No. 20]

**DENYING DEFENDANT'S CROSS -  
MOTION FOR SUMMARY  
JUDGMENT**

[Doc. No. 25]

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22 On September 25, 2009, Plaintiff Edna F. Lewis, on behalf of Randel S. Davis (deceased),  
23 filed this appeal of the final judgment of the Commissioner of Social Security denying her son's  
24 claim for Supplemental Security Income under Title XVI of the Social Security Act ("Act"), 42  
25 U.S.C §§ 1381, *et seq.* The matter was referred to the Honorable William McCurine, Jr., United  
26 States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.1. On  
27 February 25, 2011, Judge McCurine filed a thorough and well-reasoned Report containing findings  
28 and conclusions, upon which he bases his recommendation that the Court grant Plaintiff's motion for

1 summary judgment in part, deny Defendant's cross motion for summary judgment, and remand this  
2 case to the Commissioner for further proceedings consistent with his recommendation.

3 Neither party objected to the Report and Recommendation, and the time for filing objections  
4 has expired.

5 The Court has considered the pleadings and memoranda of the parties as well as the  
6 administrative record, and has made a review and determination in accordance with the requirements  
7 of 28 U.S.C. § 636 and applicable case law. Accordingly, good cause appearing,

8 **IT IS HEREBY ORDERED THAT:**

- 9 1. The Report and Recommendation [Doc. No. 27] is **ADOPTED** in its entirety;  
10 2. Plaintiff's Motion for Summary Judgment [Doc. No. 20] is **GRANTED** in part; and  
11 3. Defendant's Cross-Motion for Summary Judgment [Doc. No. 25] is **DENIED**.

12 **IT IS FURTHER ORDERED THAT** this case is **REMANDED** to the Commissioner of  
13 Social Security for further administrative proceedings consistent with this opinion, pursuant to  
14 sentence four of 42 U.S.C. § 405(g). *See Akopyan v. Barnhart*, 296 F.3d 852, 854 (9th Cir. 2002).

15 **IT IS SO ORDERED.**

16 DATED: March 28, 2011

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18 Hon. Michael M. Anello  
19 United States District Judge  
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